

TOWN OF NEWINGTON
CONSERVATION COMMISSION

October 15, 2013
Regular Meeting

I. CALL TO ORDER

Chairman Philip Block called the Regular Meeting of the Conservation Commission for October 15, 2013 to order at 7:42 p.m.

II. ROLL CALL

Present: Philip Block, Chairman
John Igielski, Secretary
Jeffrey Zelek, Vice Chairman
Adreas Sadil, Member
Kathleen Clark, Member
Alan Paskevich, Alternate sitting for Ben Ancona
Deborah Anne Krawiec, Alternate sitting for Philip Shapiro

Absent: Ben Ancona, Member
Philip Shapiro, Member

Chairman Block: Also present is Chris Greenlaw, our secretary Peter Arbur is out, and Attorney Peter Boorman is sitting in as well.

III. ACCEPTANCE OF MINUTES

- A. Regular Meeting of September 17, 2013
- B. Special Meeting of September 17, 2013

Chairman Block: Let's do this out of order, first the Special Meeting of September 17, 2013. The minutes consist of the start of the meeting, going into Executive Session and coming out of the Executive session. Is there a motion to accept them as they stand?

Commissioner Sadil moved to accept the minutes of the Special Meeting of September 17, 2013. The motion was seconded by Commissioner Paskevich. The vote was unanimously in favor of the motion.

Chairman Block: Next is the regular meeting of September 17, 2013. Are there any additions or corrections?

Commissioner Clark: On page two, paragraph, the A, further down the page, the second A, where it says the nature conservatory, I believe that should be the nature conservancy. I also wonder why the word trust has quotation marks around it, all over the place, I don't think those are appropriate, but I'm not going to quibble tonight. Is that something important?

Attorney Boorman: I don't think so.

Commissioner Clark: I mean, it is a trust. When you put something in quotation marks it implies that it is pretending to be somebody else, or.....

Attorney Boorman: I think what it does, it's short for trust for public land and the way that it is transcribed is just the word trust.

Commissioner Clark: Right. I just wouldn't have put quotation marks around it. Moving further on, again on page four, B, it says an existing watercourse traverses the property, westerly along the southerly property line, to the westerly property line, is that appropriate? It just sounded.....okay, then on page six and seven and several places, one is the third paragraph from the bottom that starts with Chairman Block, it again it says evasive plants instead of invasive plants, so that needs to be corrected in the paragraph, Chairman Block noted, on invasive plants, and the last paragraph on that page, Commissioner Zelek noted again, evasive should be invasive, and again on page seven, in the fourth paragraph, invasive, it is invasive, not evasive. I believe that was everything.

Chairman Block: Anyone else? Can I have a motion to accept the minutes as corrected?

Commissioner Sadil moved to accept the minutes of the September 17, 2013 regular meeting as amended. The motion was seconded by Commissioner Clark. The vote was unanimously in favor of the motion.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
(Each speaker limited to two minutes.)

None

V. NEW BUSINESS

A. Application 2013-16A 245 Hartford Road, New Britain (West of Route 9)

Chairman Block: Is the applicant present?

Tom Cote: Good evening Mr. Chairman, Members of the Commission. My name is Tom Cote, I'm an attorney at the firm of Robinson and Cole. Our office is at 280 Trumbull Street in Hartford. I'm here actually on behalf of Costco Wholesale Corporation. The applicant before you this evening on this matter is the City of New Britain. The Contact at the city Seth Feigenbaum, who is the assistant city attorney was unable to be here this evening, so I'm here if there are any questions about the background of this I would be happy to answer them. This is a petition to amend the wetland map, which requires a public hearing so I think the primary order of business is to set the public hearing date, but if the Commission wants any general background as to what the nature of the application is, I would be happy to provide that.

Commissioner Sadil: Yes, I do. I find this a little confusing, exactly what change you are proposing. I would like to go through that to give me some background.

Tom Cote: Sure, this, let me start with the property. This is a fifteen acre piece of property. It is owned by the State of Connecticut and it is located west of Route 9. Essentially it is disconnected from the rest of Newington by Route 9. That orients north, to the top, Route 9 is running to the right, and there is a stretch of land owned by the State of Connecticut that runs west of Route 9. This is a part of it, it's a fifteen acre parcel. A portion of this property is going to be released by the State DOT, current owner, to the City of New Britain and the City....

Commissioner Sadil: Excuse me, is that the purple line, could you tell us what those lines represent?

Tom Cote: The purple line here is the property boundary for this particular fifteen acre piece of property.

Attorney Boorman: Maybe you could just identify the other colored lines now, I think that is the main question that he is asking.

Tom Cote: Sure, great. So, in the course of doing work, doing due diligence on this piece of property for the purpose of identifying where a couple of golf holes would go, our soil scientist was studying the wetland line out there, and was comparing it to the mapped town line, and basically what he found was that the town's mapped line is this orange color here, and what he observed in the field to be, by virtue of his soil study was the green line and that he felt that the line was actually there instead of here, which would move it further up gradient away from the wetlands which are located at the bottom of the page.

Commissioner Paskevich: Excuse me, is that an increase in wetlands?

Tom Cote: Yes it is. I know often times you have map amendments where the line is going in the other direction. This is an instance where the line was going to increase the size of the wetlands. We brought this issue to the staff's attention and Chris said to us, now that you know it, you probably should show it to the Commission.

Commissioner Sadil: Could you describe what that wetland is, basically ponding, runoff, or is it.....

Tom Cote: You know, I'm not prepared to speak to that. We do, we have retained a wetland scientist, a soil scientist from Environmental Planning Services. They will be here at the public hearing, and they can answer all of your questions about that. But I didn't want to get into that before the hearing started. So in a sense, this is simply an amendment to correct what we think is an improper line that is on your town maps.

Chairman Block: If you can answer this, why on earth did you come to the Commission?

Attorney Boorman: Mr. Chairman, at this point, I think what the attorney is telling you is, he is here for presentation purposes only.....

Chairman Block: I understand that, and it's not going to be part of the presentation, because the presentation is going to be on.....

Attorney Boorman: It's not necessarily germane to take us afield already before they actually present so what I suggest, what I hear you saying is that what you are looking for is for us to proceed to a public hearing, and at that time you intend to proceed with your presentation.

Tom Cote: We would appreciate that and we can give you at that time all of the background that you need to answer those questions.

Chairman Block: Is there any proposal as to a date for this.

Chris Greenlaw: Mr. Chair, one item that I'd like to point out, that the long line, that runs from the top of the page north, south, is actually the City of New Britain on the left, and the parcel, being required that there is activity that pertains to this parcel within five hundred feet of New Britain, I just want let you, as you are well aware, but the Commissioners should know I need

to craft a letter per CGS Section 8-7D, sub f, that notifies New Britain that this application is before us.

Tom Cote: And we are the applicant.

Chris Greenlaw: Well, as information to those in the city.....

Tom Cote: I understand, thank you.

Chris Greenlaw: For the benefit of the dwellers of the City of New Britain.

Chairman Block: Chris, what would be the time table for the earliest opportunity for this public hearing.

Chris Greenlaw: We would schedule it normally for our regularly scheduled meeting of November.

Chairman Block: The nineteenth?

Chris Greenlaw: I believe that is the correct date. Notifications will be sent out by us.

Chairman Block: Is there anyone that doubts the need for this public hearing.

Attorney Boorman: It's required.

Chairman Block: So then could I have a motion for the nineteenth of November.

Commissioner Igielski moved that per Section 13.7 of the Inland Wetlands and Water Courses Regulations for the Town of Newington that the Commission hold a public hearing on Application 2013-16A for a proposed map amendment to establish wetland boundary lines determined by soil scientist in the field on the next regularly scheduled meeting on November 19, 2013 at 7:00 p.m. in Conference Room L101 in the Town Hall.

The motion was seconded by Commissioner Zelek. The vote was unanimously in favor of the motion.

Tom Cote: Thank you, we will see you in November.

VI. OLD BUSINESS

A. Application 2013-14 – 119 Deming Street

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy. I'm a professional engineer and principle with the firm of Hallisey, Pearson and Cassidy. I was the original project engineer for the development known as Deming Farm, active adult community, a community located at 119 Deming Street. With me also this evening is George Logan of REMA Ecological Services. He was the original soil scientist and environmental person on this project, and also with us tonight is Miles Crete, who is the owner of the property.

Chris Greenlaw: Mr. Chairman, for the record, I'd like to note that my wife is a staff engineer for Jim Cassidy's firm. I just want to note that. Usually as a course of action we try not to have any conflict of interest. I just want to note that for the record, and we try not to have, or I try not to review any of those plans that she has participated in the design.

Jim Cassidy: I don't let her work on plans that come through the Town of Newington, so..... At your last meeting, I actually stepped in late, I had a conflict. George I believe started the presentation for this project, and I walked in late and I picked up on some comments and concerns. In such time, since that meeting, we have gone back, we have received a memo from Chris, and we tried to come up with some plans to address some of the issues that came up at that meeting. I have some plans, they are going to be up on the screen, and I have some reduced scale copies if the Commission would like to have a reduced scale copy to follow along with it.

A little bit of history behind this project. Again, this is a project that actually was approved back in April of 2002 for another developer, another property owner at that point. When it originally came before you, this is not the original map that was approved, it was actually approved for a 22 unit active adult community that consisted of a road configuration that went off of Deming Road on the north end, which would be the right hand side of the property, and then came all the way back, so if I can just kind of outline on this page here, the property itself, outlined in black, in the original approval of this development there was a road that came in where we are showing it coming in here, came all the way back, and actually ended in a cul-de-sac in this location, just opposite a road that is on the east side of Deming Street. A couple of issues that we had with that plan, number one, there was a sight line easement that needed to be obtained from the adjoining property owner, and in addition to the units in the development were pretty small, had a lot more road, a lot more infrastructures to construct, in addition to there was a sanitary sewer pump station that was acquired which is pretty expensive when you are building in the Metropolitan District area. So, in February of 2009, we came before this Commission and at that point we got a modification to the original permit. What that modification, what we proposed to do is to reduce the development down to sixteen units, but going with a little bit larger unit, a more attractive and something similar that was going on in the surrounding neighborhood. We also reduced the road infrastructure to about half of what was on the original plan, reducing the impervious coverage for the infrastructure and in addition we got rid of the sanitary pump station, basically got all of the sewers in the development other than seven houses at the end of the development to be gravity sewers and those last seven are in grinder pumps that feed to the gravity sewer system. So, after 2009, we go to MDC, we get our approvals, late or middle 2010, we actually start construction of this development which started with the development of all of the utilities. The utilities consisted of extending the sewer line down Deming Street, up towards the site and then into the property, which is represented by the green line, also extending the water main from Griswold up to our development and all of the way through the site. After all of the utilities were constructed including such things as the electric underground, telephone and cable TV, we went back and finished the actual construction of the roadway, which at this point, the roadway consists of a binder course surface, so your first course pavement is on a finished road surface at this point. In addition to, there is a drainage system associated with this road consisting of two catch basins just before the throat of the cul-de-sac, and two catch basins at the bottom of the cul-de-sac, that drainage system drains through a swirl concentrator or a hydro-dynamics type separator, and then continued down between a couple of proposed units, discharging to a rip rap energy anticipator and from that point it was supposed to discharge through a storm water quality swale before it connected up with the water course that runs on the southern portion of this property.

Once the road was built, there were two units that were actually built, unit number six, which is on the west side of the roadway and number fourteen which on the east side of the roadway. Unit number six is actually occupied, number fourteen is presently vacant. Shortly after that, the economy went bad, the units started to slow down, and unfortunately Mr. Crete was involved with a contractor that kind of took the project for a ride. Things fell apart, quite honestly, things just fell apart out here. They had to get rid of the contractor, they had to start picking up the pieces and try to get this project going. Unfortunately by the time that we were able to get things going again, what we found happened is our wetlands permit expired. So,

what I have on my first plan here is, what I tried to do is highlight once again what is in today. So what is in today are all of the utilities, that come from Griswold, go to Deming Street, and into the development are in. That consists of your public sewers, your public water, your electric, your telephone, and your cable TV. In addition to, as I mentioned, there is a portion of the drainage system that is constructed within the roadway that outlets to this rip rap plunge pool. There was supposed to be this storm water quality swale constructed that is not in at this point. What happens is it comes through this rip rap spillway, and it actually breeches over, almost at the outlet of another culvert and directly into the water course on the south side of the property. In addition to, in this lower left hand corner of the page, there was supposed to be a mitigation area, a wetlands mitigation area constructed. This area basically has been rough graded at this point, but at this point it is also full of a bunch of invasive species. There is also an existing house at the far southeasterly corner of the site that was supposed to be removed, and an additional mitigation area done on this site, side of the brook, and the house has not been removed and the mitigation area has not begun, and of course, we have the two houses that are constructed at this point, and then there was a retaining wall along the back in this area, that is also been constructed in the area down below, and it seems to be pretty much stabilized at this point. What I did after that is I took a look at the overall development plan and tried to determine what needs to get done immediately to make sure that we get the project stabilized and back on track.

When I took a walk out there I was actually kind of pleasantly surprised to find out that there is a lot of vegetation out there already, there are a lot of areas that are stabilized, and there are not really any signs of erosion into the brook area, or into the adjoining wetlands area. Some things that I think need to happen, and George will probably get into this also, are, number one, the plunge pool that I mentioned. It is in, but because it has been let go for so long, it's in disrepair. It's full of sediment, it's full of all kinds of plants and invasives, I think that plunge pool needs to be pulled out and replaced and constructed per the original plans. In addition to, I think a key component to the overall storm water management train, was from this plunge bowl, we were supposed to have the storm water quality swale before it discharged into the wetlands and the watercourse on the far west end of the property. I think that also should get constructed right away. As part of that storm water quality swale there's also supposed to be a series of stone check bands to help slow down the velocity of water, and allow water to infiltrate into the swale and remove any pollutants in it prior to it discharging to the wetlands area. In addition to, because the drainage system basically has been sitting for over two years I highly recommend that we go through it, and actually clean it out. All the sumps need to be cleaned, especially the hydrodynamic separator.

Unfortunately I could not pull the covers the day I was out there, but I would like to see the inputs in there and have that cleaned out too to make sure it is functioning properly. In addition to that our final item that I think needs to get done immediately, is that if we have any remaining disturbed areas, there's not a lot of disturbed areas, but in particular up on the north there is some bare earth areas, those areas should be re-graded and stabilized right away so we don't have any addition disturbance or additional erosion from those particular areas. Once those initial, immediate items are taken care of we I think, we need to continue on with what the intent of the original plan was, so I developed a sequence of things that should happen, from that point. Number one, as part of the original approval, down here in the southeasterly corner of the site there was this whole mitigation area that was supposed to occur. As part of the construction, or to accommodate the construction of that mitigation area, number one the existing house needs to be removed. I think that should happen, one of the first things, in this next phase of the project. Once that is completed I see this mitigation area as being constructed, planted and stabilized, George is going to get a little more into that because he has kind of tweaked what we were originally proposing and then as part of the completion of that mitigation area, I have this whole area that is outlined in yellow. That's an area of a conservation easement that we have proposed over the mitigation area in addition to the wetlands and the majority of the upland review area from the

wetlands. I think the documents for that all need to get filed, what that will do, is it will prevent anybody from going in there, there will be an instrument in place, so we know exactly what our limits of what we can do in that area and we can prevent anyone from going any further into that wetlands area.

In addition to, the next step would be, there was a small section of drainage system that ran along the back of units, I want to say numbers thirteen through fifteen, that drainage system needs to be constructed. What happens with that drainage system is that it eventually picks up the roof leaders for these five houses and that provides clean water to this wetlands mitigation area. So that is the next component that needs to be put into place. Then after that is all in place then we can continue on with the actual development of the remaining fourteen units to finish it off for the sixteen units, and then once the units are all finalized, then we can go in and put our final course of pavement in. We don't really want to do it until we are at least getting close to the last unit to make sure we don't disturb the brand new paved area. Then once the pavement is done then we can go in and re-stabilize any remaining disturbed area, and then once all of the disturbed areas are stabilized, if there are any additional sediment control measures out there they can be removed, and we would have a completed project.

For erosion and sediment control at this point, I was trying to figure out what to do, with the site. There is silt fence in place, a lot of it seems to be in decent shape still, I don't find any blowouts in the area. Originally as part of the proposal we had proposed a sediment basin down in this lower corner of the project, at this point, when you take a look at the majority of this lower end of the site, it is already stabilized, so to go back and try to put a sediment basin in this area would actually cause more disturbance than would be preventing erosion, so at this point, what I would recommend, seeing that we are just developing the individual houses, as each individual house comes in, it supplements it's own erosion measures, such as staked hay bales, staked silt fence around the perimeter of the house to be constructed, anti-tracking mat out to the roadway and do them on a smaller basis, one at a time rather than trying to do a mass sediment basin in that corner and disturbing a much bigger area.

A little bit more about this mitigation area, I know that George is going to get into that a little bit further, but on the original plan that was approved, there was the mitigation area that was on the south side of the brook, there was a much smaller mitigation area that was on the north side of the brook. When we modified it, we had additional area to work with, because we no longer had the cul-de-sac coming through, so we proposed to expand that mitigation area. On the original plans there was a series of plants that needed to be planted in that area, there was a very specific location for each of those plants, as we re-worked this mitigation plan with George he has other recommendations so there will be additional notes in your sets of plans with recommendations on how this area should be planted and what these different hydraulic zones will be and how they each function. So with that, I'm going to have George hop in and go over a little bit more of the mitigation plan and how that all works.

George Logan: In essence, what I ended up doing is redoing the wetland mitigation. As I looked at the notes, the plans, etc., that were put together in the first consideration which then changed, in essence, we lost the road coming in, we lost units and things were pushed off. It's a large area, I had never re-sculptured that area, I had not shown what it should look like. So in essence what is on the south side of the brook remains the same, the way that it has always been, it hasn't really changed. This is the original contouring as you see this, which changed a little bit in 2009 so we are going back to the original scheme that I have, and then I did something similar for this side. What I did, you can see from your notes, is I completely revamped the implementation notes. These implementation notes are probably three to four times more extensive and specific than they were before. This is a lot based on the experience that I have had, I've been doing these kinds of things since 2006, 2007 and I also, we were talking about the issue of the invasive species, is now there are very specific

notes on invasive species, not only associated with this area but also in the preservation area that you saw when we were doing the wetland buffer enhancement.

The other thing that happened is when I looked at this area here, the rough grading has taken place. Certain areas have been created as wetlands and they are going to remain untouched because they are close to the brook, so that gives us a little bit of protection but other areas in there either don't have the right ecology or they were never planted, there is no top soil, we have a proliferation of purple lofstripe like I've never seen before. *Fragmitis* is starting to come in, and we have a situation where there is almost a solid cottonwood in some area, which is not what we want to do. We want obviously to promote diversity of not only the cover types but also of the planting materials. It has, nature has done what it needed to do, but now we need to go back and fix it, so the scheme of hydrologic zones has changed to match kind of what is going on, on the south side, and then the planting scheme has changed. I would say that ninety percent of the plants that were proposed to be used before are used. I think I might have dropped black walnut because of my experiences with getting it, you have to go to a specialized nursery and the problem with black walnut is that once it grows, some people like to harvest it because it is a valuable wood. So we don't want that, so I replaced it with red oak for instance in these schemes. I've added probably something to the order of twelve to fifteen new plants. I've been a lot more specific with the seed mixes, before we weren't specific, so if a contractor came here and said, okay could you please tell me how much seed mix of x, y, or z, you wouldn't know. Now he knows the specific poundage and also the areas where these seed mixes would be applied. More specific, as I said, a discussion on the invasive species boiled down to, if it's this time of the year, you use this technique for this particular species, and if it's another time of the year, it's another technique, all up to date with what the current guidance is from the Connecticut DEP. End of the day, the diversity has increased, the area of the proposed wetland creation and the restoration has increased, we have, I would say probably in the order of twenty-five percent more plants, more shrubs, more trees,

Chairman Block: Excuse me, is that excluding or including the invasives?

George Logan: Excluding, because we are getting rid of the invasives.

Chairman Block: No, but when you are saying, more diversity?

George Logan: There is more diversity, not considering the invasives. I would say the diversity now has more than doubled from the previous plan. I did a quick look-see Zone B and Zone A are going to be wetlands, and a part of Zone C will be wetlands. Once you do a little calculation, you have something in the order of 17,000 to 18,000 square feet of proposed just wetlands and then we have zones around it that are complimentary habitat. What we took out, there was about 9,000 square feet of a very low diversity cow pasture, so what has been gained back is significant. One thing that we always forget is that this house here has a septic system. There is a well right here which is artesian, and the septic system probably doesn't comply with, so I am sure that if I went and tested the water, I'd have a bunch of nitrates that are going into the swamp, so that is going to be another good thing.

Chairman Block: Is the artesian well used for anything?

George Logan: Yes, it's the water supply for the house. But that's going away, and another thing that you don't see here that hasn't happened yet is that we were going to propose a plunge pool, right at the entrance because as you probably remember, there is a bit of an erosion problem and it's unstable situation where water would come across into the brook, so there are a variety of things that need to happen, and a variety of things that happened that are now enhanced than they were before.

Commissioner Sadil: So are you going to have the full year round, so it will be a wetland year round? What exactly is feeding that, not only the brook, but tell me more....

George Logan: We're in the ground water, we're going to be in the ground water regime. This is based on test pits and using the (inaudible) and spade that I used way back, so I'm sure things really haven't changed, and from the rough grading that was done, in this area here, it's very obvious where the water is, because actually this portion right in here is already wet. It has a native aggressive species which is the canary grass that you all know, but it is offering protection to the brook from all of the rough grading that happened here, so that's a good thing, so we aren't going to touch that, we're just going to.....

Commissioner Sadil: The second question I had, how is that going to bring where you are right now to your plan. What physically is going to happen? Is that mound going to be sifted again, or what.....

George Logan: So the mound right now is probably in this general location, the mound of top soil.....

Chairman Block: Before you do that, the water source for that wetlands is Deming Road storm drainage and the proposed aquifer?

George Logan: It's primarily the ground water. It by-passes the brook, so it doesn't rely on the brook almost at all.....

Chairman Block: Right, but the brook is Deming Road, isn't it?

George Logan: The brook comes under from Deming Farms.

Chairman Block: From the hill.

George Logan: From the hill, so that by-passes, so I'm really relying on ground water and the only extra water is those roof water.....

Chairman Block: It's on site.

George Logan: It's on site.

Chairman Block: The point is, if you exclude Deming Farm, and you are only depending on the aquifer, what is the likelihood of that becoming stagnant over the course of a dry summer?

George Logan: Very unlikely because the brook itself even though it has a very short run, it's probably a thousand feet, it's constant, it's really a perennial stream. It's kind of interesting for such a short run. So this is, I'm standing at the corner of the roughly graded mitigation area, and I'm looking northerly, you see the house, you can see that it kind of slopes down here, this is the stockpile of earth materials which is thankfully well vegetated.....

Chairman Block: With what?

George Logan: Honey locust, old farms have a lot of honey locust so that is that view, and here further down towards the brook, and looking back northerly, that is the rest of the pile. As you can see, that's well vegetated, unfortunately you see some fragmities that are starting to come in, that's one of the invasive species that we are going to target by re-sculpturing the

whole thing. Behind it, that brown that you see, that is all the purple lofstripe, right in there, and the problem with that is that it has put a billion seeds into the area. Very prolific, every plant will have twenty to thirty thousand seeds and so it's not possible for us to just eradicate it by just spraying it, or removing it mechanically, so that is the idea why we actually have to remove it in the soil, so we can remove all the seeds and basically start all over again. Now I'm at the corner looking in a westerly direction, on the far side we see the lawn of the house next door. You can see how cottonwood has kind of taken off, right at the edge of this thing, where it is moist. It's just an undesirable thing for us, even though it's a native specie. When you get down there, that's where we have a meadow which is, you'll see it in a second, that's what it looks like, and I remember when we did Deming Hill, there were acres and acres of wetlands with recannary grass, they're still there, so this is now protecting the brook, which is just around the corner there, so I wouldn't want to touch that at all, it should be left alone.

Commissioner Sadil: So the actual topography, what physically is going to happen to get to, A to B.

George Logan: Basically what is going to happen, ideally, we're not going to do this in the spring, we're going to do it in the late spring to early summer so that the water is down, and we're going to have a fall planting season, which is the other window we have from the last week of August or so, maybe even mid-August into September, that's another ideal time for planting. The other ideal time is spring, mid to late, but we need to do the grading first, let the area get ready for planting later. For us to do it, to do the grading in the spring, it's not going to be good, so we would probably want to do the grading in the summer, and then plant in the late summer, early fall.

So here is the house on the other side, you're looking at the septic system also, I believe it is right in here, which is fairly close to the brook, so that situation, and this is the plunge pool that we talked to you that is now at capacity and needs to be redone, so that is one of our immediate action plans upon approval, and what this shows you here, one of the views, I'm sitting sort of in the middle of where the water quality swale is supposed to be, and this is an easterly view, and you can see the pile in the background, and a plunge pool is right in there, and this is where the swale should have been, which is really the edge of the pasture. See these grasses here, that's the edge of an old pasture. Looking the other way now, looking westerly from the same position, is where the swale, there is room, you're not going to cut any of the good vegetation, this is about eight feet above the (inaudible) in this location. The soils are sandy, so the swale is going to go right in here and get rid of some of the invasive right in here, and when that is done, then I'm coming back and I'm doing the wetland buffer enhancement which you can see on the revised, revamped plan. Surprisingly, except for the rough graded wetland area, mitigation area, the edge of the woods doesn't have as many invasives as I was envisioning so far, so it's a good situation. So when we pin the exact location of the preservation area, that would tell me the exact room of where we're removing invasives, and replacing it with all kinds of nice native plants. Hawthorns, black cherry and witch hazel and so on, and I think this is my last picture that I had when I was out in the field with Mr. Cassidy, and this is the hydrodynamic separator. It's a chambered one, which we want to inspect and clean out. Oh, one last thing, since the last meeting, one of the things that I had told the, Mr. Crete, remember we had talked about that slope here that was sort of exposed, and so I had him do the steep portion, put some mulch on it, and this gives you a view, the northern portion of the property again, I'm looking north. So here's what is going to happen, the limits of the preservation area will be set in the field and it would include this strip of land that you see here as an example. So we would come in here, this obviously wouldn't be somehow monumented for some limits of those, we would come in here, we would maybe remove the rose here and then we would interplant with all these other species including some trees, so could have things like tulip trees, things like red oak, as you can see from

your plan, some from the old plan, and some additions. I think that's the gist of what we are doing. So in essence, I completely revamped the wetland plan and brought it up to 2013 and I think at the end it's going to be even better than it was before.

Chairman Block: Going over your implementation notes, I have, I find three different areas. You have one, the actual construction site, you have the (inaudible) within the developed section, and then you have the preservation wetlands area. The way you defined the course of action to me, and again, it's my first look, I really don't see a recipe for dealing with this, first of all, in the construction area, because as you said, you don't want to disseminate seeds. In your site preparation, you only talk about the creation, restoration area, not the construction site.

George Logan: Correct.

Chairman Block: I would appreciate it if you would give them direction as to how to clear the site to ensure that they don't disseminate the invasives. I would think that you would have to scrape and take a look at the soils, there's nothing to be done on site. I know you could burn it, but.....

George Logan: What we can do is obviously, so we are talking about this area right here.....

Chairman Block: No, no, Right now, I'm talking about the construction area.

George Logan: So the invasive species are in two different concentrations, we have some invasive species in here, and then we have some invasive species in the dirt exposed area. So I think what is going to happen, and I know your concern, fortunately none of the invasives that are in the upland areas have reached maturity, whether you have little seedlings, etc., so probably one of the things we could do, even though that's not per se, part of the mediation area, because these are upland species but we could specify in the course of cleaning out the development area is that one of the things that could be done is take a new look at any materials, any invasive species that could become a source of later infestation and within the preservation area, which is where they would tend to want to go, so we can certainly add that note, and maybe we could do that as a priority item.

Chairman Block: In preparing the site for development, I would like to have you physically control so it won't have the opportunity to be disseminated. The second thing again is the same thing for the common areas to insure that it is properly cleaned of these invasives, so that the development afterwards will not have a problem underfoot, and then thirdly, again is within the wetlands preservation areas, to ensure that again that there is not going to be a spot that is going to spring up in a year or two.

Charles Logan: What I've done in there, and you have probably seen it already, during the implementation of the total wetland mitigation package which includes the buffer, there are four years of monitoring, and four years of removal of invasive until what we want there is solid. It's unusual for us to go perpetually, however, I've included that as a recommendation to an association because granted, in my view, maybe I'm totally biased, if we do this right, this is going to be an attractive area. You would be able to see it from the units, you'd be able to see it driving by the road, to some extent, so it's an area to be enjoyed, so I had a recommendation, I didn't call it a requirement, that past the four years, that the association consider it, doing certain things, one of them would be removal of invasives.

Chairman Block: We have so many retention basins in other areas that are totally surrounded by fragmites and other invasives, including town properties that it's important that

the desire association be given as much of a head start as possible, and that maintenance be part of this for the long run. I just am saying that your site preparation and other construction activities need to include specific steps of eradication and control and destruction actually of these invasives.

Charles Logan: We can deal with that. We can do two different things, while we are removing from here and while we are removing from the rest of the site.

Commissioner Zelek: I think this is probably a question for Mr. Cassidy, it sounded like you were going to do like a phased approach, where there were some items that you wanted to address right away such as the plunge pool, the dams, cleaning the storm water management and also creation of the mitigation area. Are those things that you are going to write into the plan that you are going to take care of those first, before you start the construction of the homes?

Jim Cassidy: The immediate items, yes, the mitigation was not part of the immediate item. The storm drainage system, the completion of the storm drainage system, along with the storm water qualities, the swale, is an immediate item that needs to be complete.

Commissioner Zelek: Could we request that the mitigation area be created before the construction of the homes?

Jim Cassidy: George, what do you think about that.

George Logan: We talked a little bit about that, I think the immediate concern is here because it has been rough graded, and now it's becoming a source of "stuff" for the wetlands, so I would say that, as a reasonable way of going about it, this will be something that should probably be done, well, it can only be done certain times of the year, so I wouldn't want whoever is going forward with the project to say, well, we can't even build something until we get to the right time of the year, so I would say the first opportunity upon approval and the project going forward, the first opportunity should deal with this. Then what you could do, because this is not bothering anyone now, because it is a really residential area, it's not a source of anything, except for the nitrate from the septic system, which has been in fragile condition for some time, but I would say that you could specify that upon reaching a milestone, however many units that is, then this has to be done, so it is done before the last units, so that would be something I would throw out for your consideration.

Commissioner Zelek: Is this something that you could work with your client on, coming back to us and saying, this is what we propose, we show X amount of units and then we stop and put a mitigation area in and.....

George Logan: We can do it concurrently.

Chairman Block: Well, that raises the question, would it be more appropriate, I'm asking both of you, to be doing the wetlands area and then putting in the adjacent properties and working your way up hill, as it is, or because I would like to get that stabilized early because as you said, the more time that passes, the more difficult the task becomes to restore it, so if we start with that and then building the adjacent units, and that will stabilize the area once and for all, and it will also give you the funding to continue on with the entire property, which is less critical to our concern.

George Logan: Correct, so I guess what I am hearing, the Chairman say is that upon commencement of any construction of the homes, that this starts at the same time.

Chairman Block: No, this starts and as soon as we reach your milestone then you can start on prepping the lots adjacent to it, in some order, and as he completes this, and works his way however, then he can expand up the hill with more units. Because quite honestly, we're all a little gun shy over the fact that the property was left in this condition, and if it stalls, God forbid, be interrupted again, we would like the wetlands area to be as stable as possible.

George Logan: The problem that I am envisioning, the first opportunity in my view you would have to touch this would be in the summer of 2014. You wouldn't want to do anything before that because of the high water conditions, you know how these soils are here, they have a high silt component, so you want to be as dry as possible.

Chairman Block: Well, okay, let's say that, so you're saying that we can't really do anything appropriate to the wetlands area and the rest of the drainage until next summer.

George Logan: No, I'm just talking about regarding and probably planting.

Chairman Block: What about the rest of the drainage?

George Logan: Oh yes, that could be done. That is a priority item.

Chairman Block: Okay, let's say we start with that, and we start removing whatever concentrated invasives you have, and then on the upland lot, you have access to a couple of lots and then that takes you over into next year, okay? Then you do the wetlands as of the end of April, May?

George Logan: Well, depending on the hydrology of the water. You could start this in the summer and plant it in the fall, 2014, so that is being done, and because we have a separation from here to here, this can be independent.

Chairman Block: So when do you take down the house? I assume that it's income property. When do you take down the house?

Jim Cassidy: I think as George mentioned, we set a threshold when we get X number of units, work it out with the Commission, work it out with staff.

Chairman Block: As you say, it's prudent to have a balance, but certainly we want the wetlands finished and protected far before the end of the project.

Jim Cassidy: Exactly.

Chairman Block: So what I would like to have you come back with is integrating the invasive controls into your lot by lot area and giving us a time table if you would including the wetlands and the drainage, the higher priority, the phasing in some of the more easily accessible lots, as you go, but finishing the wetlands well before the rest of the project. Does that sound feasible to the Commission?

Commissioner Sadil: An engineering question, what happens if that hundred year storm comes by in five or six years, where's the release valve for the water to go? Is that going to be all contained?

Jim Cassidy: The brook would carry a normal flow, so if you get a big flood, it would spread out into these wetland areas, so you would have extra capacity in those area. The flood

subsides, the water goes back down. There is not a big berm between this area and the brook, it's not anything that is going to flood.

Chairman Block: Well, looking at the channel for the normal brook, if the flood water rise, it's going to overcome the drainage channel.

Jim Cassidy: No, in that location where the drainage channel is, the brook is probably a good six to eight feet lower than our swale. This elevation, it actually slopes up to the old meadow and comes back out to our swale, from the edge of that meadow line, to the edge of that brook is about six to eight feet.

Chairman Block: So there is a huge flood capacity in the water course before it reaches the drainage swale. So any excessive flooding is going to be heading to the west.

Jim Cassidy: Correct.

Commissioner Zelek: The red dotted line is the fifty foot buffer from the wetlands? I see that fifty foot buffer going right up to the doorstep of some of the properties on the west side. Are there going to be any covenants to prevent sheds from being built, etc., within this buffer area or in these yards?

Jim Cassidy: Well, according to the zoning regulations, we can't have any structures with fifty feet of the wetlands, so they couldn't get a permit to do it.

Chairman Block: Isn't that going to be a common maintenance for the yards?

Jim Cassidy: What happens is when you develop a community like this, you have the overall common areas, which is the property, and then each individual unit has what we call exclusive use area which basically is a lawn area off the back which is about twenty feet off the back, so they can walk out their back door, and no one else is meandering in their back yard, and there is also an exclusive use area on either side consisting of about five feet, and then all the way out to the roadway, so no one is camping out in their front lawn, using the driveway. The remaining property is your common areas. As part of it, we could put restrictions saying you can't put any sheds or structures within that fifty foot setback but I think you also have protection because, correct me if I'm wrong Chris, but it's also a zoning regulation that says they have a fifty foot setback from the wetlands, so if they are going to put a shed in, they need to come for a permit.

Chris Greenlaw: It's a zoning requirement. This is a zoning requirement, 4.4.6 speaks to a primary unit. It's not talking about any structures, that's the zoning requirement. Certainly if this Commission wanted to limit structures in this area, there is a provision by which you can request that you have a conservation easement placed upon that land, and we've seen a lot of these in front of this Commission.

Chairman Block: I would say it would be easier for the association to include in their primary regulations that there be no accessory building allotted to the individual unit.

Jim Cassidy: Because this is actually already a development that is, one unit sold, there is already a restricted covenant on the property. I can get a copy of that.

Commissioner Zelek: If you could review that, and if there isn't anything in your covenant, if you could propose something for us.

Commissioner Krawiec: I'm curious George, you referenced herbicides that have minimum impact, but impact no doubt on the amphibians which can impact the wetlands, and I did see this area, and I know that it's a pretty tight closed property, so not only do these herbicides have an impact.....

George Logan: But they don't, that's why I wrote them.

Commissioner Krawiec: It says minimum impact, right here.

George Logan: Well, the protocol that is there is almost verbatim that the Connecticut DEP has put forth.

Commissioner Krawiec: Is there another way to manage them, maybe not, but I'm curious about, what is the impact on humans that are exposed to these herbicides, because they are really living close in proximity from what I saw.

George Logan: Well, here's the thing. When we do our initial control, there will be no humans there. The herbicides that we will be using are the ones that are known to be most effective, and least detrimental not only to human health, but also to the environment. All these things have a half life, which means the chemical dissipates in the vicinity of the root of the specie. If we can mechanically pull something out we will. Once that is done within that four year period, most of it happens in the first year, and then it's less and less and less. We can develop a list for this association of the ten things you need to consider in the use of pesticides and herbicides.

Chairman Block: George, if you are willing to share with us, and give it to us as an independent document we might want to consider incorporating it into future projects.

George Logan: What we found out is that every six months to a year we revamp it as new information comes out.

Commissioner Clark: Does this include how the individual owners will be using things on their lawns, and how does that impact the wetlands behind them?

Chairman Block: No, it's going to be a common area, the association will maintain all of the yards. The condo association is maintaining that yard.

Commissioner Zelek: Do we have any type of an overlay that shows us the plantings for the yards? I just have a question in my mind, because I heard that the Town of Newington has some type of a requirement that every new home has two trees planted in the front yard.

Jim Cassidy: There are landscaping plans, and there are actually two parts. In the set that we submitted there is the general plan for the development of the roadway, development of the individual houses, and then George's recommendation for landscaping within the restoration area, the buffer enhancement areas.

Chris Greenlaw: You have two sheets, the over all landscape plan is L-1, it's actually the last two sheets of the plans that I sent out, and L-2 is the individual unit plan. On that note, if I could also add, the 11 x 17's that we received this evening, especially the planting plan, the intent is that it is going to augment planting plan that we have now, they are in concert. They will become part of this planting concept.

Commissioner Clark: These homes are very close to the wetlands, that's why we are here. What if people start complaining about mosquitoes? Do we have to worry about pesticides being broadcast into the swamp to decrease the mosquito population?

George Logan: The swamp in the back is seasonally flooded, which means it does attract thirty-three species of mosquitoes that we have, which only a couple, maybe three, are the ones that are the carriers for disease. They may be a nuisance, but they don't normally go fifty or more feet from these areas. The ones to be concerned about are the ones that the residents provide habitat at their own houses, and then they think it's the swamp. They cannot by law go into a preservation area and apply anything.

Chairman Block: Is there anything further. What is the next step?

Chris Greenlaw: This application Mr. Chair is Old Business this evening. We are within our sixty-five day review prior to an action, that action being whether you want to act on an application or if prior to action you would determine the warrants of whether or not it warranted a public hearing. Additionally, if you felt that there was a lot of data, a lot of data yet to be hammered out as it pertains to time lines, and other things you need to review, you can still stay within this period and ask the applicant for an extension, but you still have until the November meeting before you make a determination.

Chairman Block: Does any of the Commission feel that there is a need for a public hearing?

Commissioner Zelek: I think we can table that until our next meeting and make the decision then.

Chairman Block: Okay, so if the applicant is going to be coming back with a revised mitigation plan and offering controls for the items that we discussed and the other factors that the Commission has raised, I'll say, to be optimistic, at the next meeting, if that plan is acceptable to the Commission as is, we would be in a position to act on it that night.

Commissioner Zelek: If not, we would ask for an extension.

Commissioner Sadil moved to table Application 2013-14. The motion was seconded by Commissioner Clark. The vote was unanimously in favor of the motion.

B. Internal Rules and Procedures

Chris Greenlaw: The Commission, it was their intention to include the review of all the internal rules and regulations along with the language for the authorized agent and last month Commissioner Igielski gave me his changes to those regulations and those changes were incorporated and I believe both electronic and hard copy was sent out for your review.

Chairman Block: Is anyone prepared to deal with that tonight?

Commissioner Zelek: Yes, I have a few things that I would like to add. This is under Section 7. This is dealing with the authorized agent. Under item C, the duly authorized agent will review the application and may approve it provided none of the following conditions are present; and I have a few conditions that I would like to add to that. First condition would be; members of the public have filed complaints or raised concerns with any town, state, or federal agency board or commission.

Chairman Block: I would argue that whether or not they have filed those complaints is secondary to whether or not have brought them to our attention. There is no way for us to.....

Commissioner Zelek: I didn't want to word it in any way to saddle us to....so if we have knowledge that any member of the public has filed a complaint or is concerned with any town, state or federal agency.....

Commissioner Clark: Are you talking about a complaint with TPZ or with us or just with us?

Commissioner Zelek: Any town agency, board or commission, if they have a concern about that property, and there is an application on it, then it should not be approved by the duly authorized agent, it should come before us for review. So we can serve the public.

Chairman Block: If someone comes in with an agent approved project, there's not any notice to the public.

Chris Greenlaw: There is notice. The notice to the public is pending the approval, by the authorized agent. We are required to put it in the paper and you have a fifteen day post paper announcement.

Chairman Block: So the public has the opportunity to bring any other appeal.....

Chris Greenlaw: They can appeal it, within fifteen days of the notice being published in the paper.

Commissioner Zelek: I'm saying that the duly authorized agent does not approve any application if a member of the public has previously filed a complaint, raised a concern with any town, state or federal agency board or commission regarding that property that is under application.

Chris Greenlaw: Mr. Chairman, what I would ask is, define complaint. We need a definition of complaint, in our definitions. There is a zoning enforcement form, and if you are going to say complaint, you need a definition and you should have a vehicle to put that on the record, not that it was just hearsay, or someone mentioned, or I was aware, you need to formalize that, and there is a process. There should be a definition, and there should be a form,

Chairman Block: If a person brings an objection to the implied activity to the attention of the agent, claiming that there is a review process before any other agency of the town, concerning the property and what they are applying for, then Jeff, you are saying that the agent should not be authorized to render a decision?

Commissioner Zelek: I'm saying if there is a prior complaint.....

Chairman Block: Are you saying complaint or objection, because they are two different things. A complaint means that they are doing something wrong, an objection means they just don't want them to do what it is they want.

Commissioner Zelek: I'm saying if there is a complaint or concern raised with any town, state or federal agency board or commission.

Chairman Block: As to the proposed activity.

Commissioner Zelek: No. Regarding any activity on that property that has come before.

Chairman Block: How do we include that within our jurisdiction? Aren't you fishing outside of what we are legally entitled to do?

Commissioner Clark: It's still within our jurisdiction, it's just something that the duly authorized agent would not vote on in his sole discretion, and I'm just picturing somebody coming before us as a member of the public speaking in an informal or the confines of a meeting saying, I saw a giant pile of dirt on his property, but wouldn't they go to Chris, they wouldn't come here first, they would go to Chris.

Chris Greenlaw: Specifically Commissioner, a pile of dirt is defined I believe again zoning, I believe the number we use is twelve cubic yards, in excess of twelve cubic yards is a landscape permit for zoning. So, if I understand you correctly, you are using that as an example, a zoning reference complaint to a property as it relates to an application for permit for something for wetlands, I don't understand how it applies, but certainly if this is something the Commission wants to propose, my two recommendations, I will go to the Town Attorney with it, and additionally my recommendation would be that we have a definition and a form and filing system for these complaints to the property. Zoning already has that, there is a zoning complaint.

Chairman Block: I think the question is going to be, if there is a zoning issue regarding the property, is it appropriate for that to affect an agent review, or even the involvement of this Commission in general?

Commissioner Zelek: It's a trigger, it's an indication that there is an issue with the property.

Chairman Block: But it's an issue that is not within our ability to consider. I'm ninety percent sure that is what the town attorney is going to say.

Commissioner Zelek: We're not tying applications, all we are saying is that if we know that there is some type of complaint regarding property, then the duly authorized agent, it takes it out of his hands and brings it into this public forum. It has transparency of government if we allow the public to hear this application.

Chairman Block: Let's say it this way, that if a complaint is made regarding a request for an agent authorized permit that the property, if issues have been raised regarding the property, with another municipal or state agency.....

Commissioner Zelek: Isn't that basically what I said, any complaints or concerns that have been raised with any other town.....

Chairman Block: No, because you again are using complaint, and I'm saying that has specific meaning, I'm saying issue which is more general.

Commissioner Zelek: So we can rephrase it, if any member of the public has raised and makes claims that an issue has been raised, with any town, state, federal board or commission.

Chairman Block: Regarding the subject property. It has to come before the Commission.

Chris Greenlaw: I have no problem taking this to the town attorney. My question, just to be devil's advocate is, the way that you say that, let me give you an example, someone comes in, property, two neighbors, doesn't like the way the trees are cut and overhang his property, and there is general law both ways, what he can cut, where you can cut, all that. They are

unhappy. They file a complaint against that property owner. The property owner now has the complaint, or issue, against them, just wants to go on and put his pool in, in the upland review area, I don't have the opportunity now, because there's an issue and complaint on that property, it has to go to the Commission. I don't see how the tree is related to the wetland. It's not germane to the topic of wetlands.

Commissioner Block: Again, I think the issues raised should be within our jurisdiction regarding the use of the wetlands and the upland review area. If you limit it to that, then I think it's reasonable for us to go forward.

Commissioner Zelek: So, how about we say, prior enforcement activities by a town wetland agent, or Commission has occurred? So we know that this is a troubled property?

Chris Greenlaw: I see exactly where you are going, I look at it as if here's a property, Commission had a prior approval on three activities under this application that were all approved, now the person wants to come in and have a fourth, you're saying no, as benign as that activity might be to the wetland, I can't look at it because there is a formal approval.

Chairman Block: The question is, if there is an issue regarding a prior approval, it's not going to be an agent approval, it's going to be an enforcement, a resolution of an enforcement action i.e. they had a permit to do something, they breached it in some way, somebody has made a complaint about it. Our agent is going to be dealing with that, not as an administrative permit, but as a resolution of enforcement action. So that is a different breed of cat all together.

Commissioner Zelek: If there is an enforcement activity that occurred on the property before.

Chairman Block: Now is this a resolved activity or an on-going activity?

Commissioner Zelek: Just an on-going activity, whether it is resolved or not, we know that there is an issue with the property. Now we're flagging it saying, this is probably one that should go before the Commission just in case there are members of the public who might want to weigh in on this.

Let me ask you this, there is a property with a history. You know that there is trouble there, there's been enforcement activity, there have been complaints, now there is a new application for a wetlands permit, do you think that should go before an agent, or do you think it should come before this Commission?

Chairman Block: If it's the same parties and it's within a certain period of time, say two years, three years, whatever, then perhaps yes, but if it is past a certain period of time, or it's a new property owner, then it's a blank slate.

Commissioner Zelek: Then I'll challenge you to come up with some wording to identify those troubled areas and get them in front of us.

Chairman Block: If there is an allegation, a claim, that on the subject property that they are either, there is a violation of the Newington Inland Wetland Regulations, then it is beyond the purview of our agent to grant an administrative ruling.

Commissioner Zelek: What if the prior violation was resolved?

Chairman Block: Then it's off the table. It's not a subject for complaint, I don't think it is appropriate to hold somebody hostage for a prior history.

Commissioner Zelek: I don't think you are holding them hostage, the public doesn't have an opportunity to see these applications until after they are approved.

Commissioner Clark: I also think the odds of someone seeing this in the legal notices and take notice is microscopic. I think people are more likely to come to a meeting. You've got a month to come to the meeting, you've got two weeks.....

Chairman Block: Do you think it would be reasonable if somebody wants to apply for an administrative permit that they should be offered the opportunity to have a prior notice placed in the paper or given to the abutting property owners? Because if they want the expedited procedure of the administrative permit, then this way notice has to be sent out to the abutters that he is asking for administrative permit to do whatever, and they pay for the secretarial time and the postage.

Commissioner Clark: But no one on the Commission is ever notified until it is a done deal, is that correct, in any of these administrative cases?

Chairman Block: No, just the Chairman.

Chris Greenlaw: Mr. Chair, everyone is sent a copy of the notification of action.

Commissioner Clark: But that is after the fact, if we have an issue, we are completely out of the loop for any of these.

Chris Greenlaw: You get a notification of action, you can certainly come down to the office where every other file is held, there's, it's the same format other than the fact that the activity is deemed minimal as far as it's impact to the wetlands. You can come down, you can review the file, you are informed via e-mail, certainly if you needed a hard copy we can do that, you can review the file with the rest of the files, compare it to the other files that have been approved by duly authorized agents, it's not ultimately approved until the Chairman signs. The Chairman has an opportunity to look at it, and it's not just myself, it's the other agents that we have in the office. We have one that you recognize, we have another one that is fully trained, all three of us look at these for consistency as we do with all of these, and the Chairman looks at it.

Commissioner Zelek: The Commissioners shouldn't really have to go out of their way to come down and look at an application, so what we are trying to do is to make these more visible to the public. We're at a point where the public has been denied the opportunity to voice their concerns over an application, so if there was prior enforcement activity against that property owner, or there were prior applications that came before the Commission, then I don't think that the next application that comes up should be administratively approved. I think it should be brought to a public forum such as this.

Commissioner Krawiec: I think it makes sense not to reinvent the wheel. Again, if Chris just came forward and said, these are the applications that I'm approving, because I am sure that in most cases there is not going to be an issue, but there seems to have been one issue which brought this to the Commissioner's attention. I think for the most part we are going to say, that's okay, that's okay, but in the event there is something, it allows the Commissioners to speak about their concerns.

Chris Greenlaw: Mr. Chair, certainly if I feel that something is falling on the edge I consult with you, I consult with the other two individuals in the office that have done it collectively for many, many years and in different towns, and as well as in this case, the town attorney was

well aware of it, you yourself were aware of it, what I would say that I have gleaned from your concern is if there is an allegation claim violation unresolved for any particular parcel, then the authorized agent should defer the application to the Commission. What I would recommend is that you put it in writing, send it to the Town Attorney cc me if you want to, and what I would do, by receipt of that, I would recommend that since we are going to meet with the Town Attorney for a special meeting next week, when ever that may be, we put it on the agenda along with any other alterations you may want to do to this language and proposal and we'll talk about it at that time.

Commissioner Clark: We can't because that would be an executive session.

Chris Greenlaw: Mr. Chair, through you, we're having a special meeting, and as part of the special meeting we can have multiple agenda items and the public can be here. We will discuss it in front of the public as part of the special meeting. I'll add another agenda item.

Commissioner Zelek: Okay, another one that I would like to add, if there are any prior applications for map amendments or for regulated activities within the wetlands or the upland review area have been submitted, including withdrawn or expired applications. So if we had prior applications on a site, whether they were withdrawn or expired, I think that that is another trigger where the duly authorized agent should not review those and those should come before the Commission.

Chairman Block: If there was a map amendment that was approved, previously, what bearing does it have on this, again, I'm proposing a time relationship. Let's say eight years ago there was a map amendment, all done, agreed to, voted on, in place, on the map, What difference does it make?

Commissioner Zelek: Referring to the one recently heard was for one particular property and again, the adjacent properties, the maps for those were not changed. I believe there is an encumbrance on that property because those maps still reflect a wetland buffer.

Chairman Block: It is quite possible that there are other map amendments where the lines do not join, and therefore the question is whether or not the now proposed activity would create a conflict between the old lines and the new lines, as to the abutters.

Chris Greenlaw: We can go back, certainly our accounting has improved and it's something that we're working towards in a more orderly fashion so we can go back many, many years and determine if there has been a prior application. There are many applications that unfortunately, even recently that we need to be asking the applicants, not only do they need to show where the wetlands are now, and what they found for the subject property but something we are working on now, we want to see what's it going to look like when the town goes to amend their map.

I want to remind you, not only can staff look at plans a certain way, but I want to remind you, I think the application that you are referring to in recent history was a map amendment that did come before this Commission. No one on this Commission had any questions with the line of the map amendment at the time, and they voted to approve that map amendment.

Commissioner Zelek: Post approval, during executive session. You were absent for this one, during your vacation, I drew it up on the board and we talked about this, and talked about this.

Chris Greenlaw: If that question was brought up by a Commissioner I want to know why at this time, why this question was not embraced by the full Commission, because it's very

obvious now as to, there are discrepancies between various maps, but this Commission itself was shown a map by a professional and a soil scientist for wetlands, on that property and everybody happened to look at it exactly the same way. There was no mal-intent.

Chairman Block: What happened was prior map amendments were considered by this Commission and staff and everybody else to be related to the change of wetlands line on the property. What that experience has shown us is that if there is a proposal for a map amendment, that should be the obligation of the applicant and their experts to close that changed line with the adjacent properties.

When presented with a map amendment that changes one of these lines, is it within our present regulations or our right of review to insist that the lines be closed on adjacent properties?

Chris Greenlaw: Our regulations can certainly be modified or amended to include that.

Chairman Block: The question is, do we have the authority to make him do something on somebody else's property, and if not, how do we resolve this?

Chris Greenlaw: There is a perspective by applicants, oh yeah, here's my application, I know I'm not in the wetlands, my soil scientist has been out there, you need to correct your map, and we have gone so far as to put that back of them, saying, we are not to benefit from this activity, so we've put it on them.

Chairman Block: If we are going to propose and implement a change to our regulations as to map amendments, wouldn't that then adequately resolve this issue? I think we should propose some language for amending our map amendment. How's that sound to everybody?

Chris Greenlaw: So for our next meeting we will start reviewing, just map amendments or the full regulation?

Chairman Block: Well.....

Chris Greenlaw: We have many things we can amend. We have legislative acts that we haven't incorporated, we have numerous typos, we have problems with our conditions, so I've been taking a few notes on this, so if we are going to open it up, I would say to the Commission, that we go through the regs. I take my notes and get them out to you, and likewise, you bring them to me. It's going to be quite a process, which is fine. We can think on that, but I want to confirm, for the next special meeting, do we still want an agenda item, from Commissioner Clark I believe, as it pertains to the language from Commission Zelek, do we still want to entertain the provision for the Internal Rules and Procedures so when we have the Town Attorney in front of us, we can start coming up with a couple different scenarios.

Chairman Block: Yes. How much time do you want to read our present regulations and come up with items of concern that you would like to have resolved. If we make lists and see how many items we have to be discussed and resolved and then we can come up with an allotment of time. I would like to suggest that everybody come to the next meeting with a list of areas of interest, and at that time we will schedule a workshop.

Chris Greenlaw: You might want to discuss with the Commission the LID regulations.

Chairman Block: You are all aware that there is a proposal under a grant for low impact development rules and regulations and procedures that we have been starting to go through, and it becomes clear that our rules and regulations are inter-mingled with the new regulation changes.

Chris Greenlaw: The consultant will make a presentation to all boards and commissions, where we are, what we are trying to integrate, I think it's very important to Newington, the best example is, we did our first green overflow parking lot at the intersection of 174 and 173, Clem Lemire parking lot. You are going to be receiving information, we want to get all of the Commissions together. There are substantive changes that are going to be proposed to all regulations, Wetlands, TPZ, we have to get the Council on board.

Chairman Block: You are going to get notices of this LID meeting, it's going to be some time within a month. Within the next three weeks, the burden is on each of you to review our rules and regulations and to start accumulating a list of those things that you think need to be addressed, and I'm going to ask you to e-mail them to Chris so he can accumulate everyone and hopefully, at the LID meeting we will have our shopping list of what we have to think about, deal with?

Commissioner Zelek: On the agenda, we have an item that just says, agent approvals. That really doesn't tell the public anything. What I would like to see is a line item that lists the application for each of the approvals, so the public can see.

Commissioner Sidil: Just a little descriptive of what was approved. That's all, I think it's fine the way it is, just be a little more specific and how many applications you approved in the last month.

C. New Initiative – Vernal Pools

Commissioner Clark: I just going to hand something out, I attended an invasive plant workshop, but most interesting was networking with other Conservation members and learning how much and pro-active these Commissions are, managing properties, etc., and, they are in a different universe than we are. The woman from Wallingford had so much to talk about that I wondered if she would come and speak with us. What I handed you, at our last meeting we talked about belonging to the Connecticut Association of Conservation and Inland Wetlands Commission, I think it is important for us to be members. I think we need to renew our membership, ASAP because the yearly meeting is before our next meeting, November 16th, so, we're interested in vernal pools, that is one of the topics for discussion.

Commissioner Block: I have the registration form, and there is also the full agenda.

Commissioner Zelek: If we sign up before the end of the month so we are members, then can we be reimbursed by the town?

Chris Greenlaw: What I recommend is that, I can sign us up as a Commission.....

Commissioner Clark: You got the renewal, we're overdue, the dues were due in July, so whatever you got in correspondence, I don't think we're currently members, or we are members with our dues in default, I think that's where we are.

Chris Greenlaw: I want to be sure I spend the money correctly, but if anybody wants to go, we can do first come, first served.

Commissioner Clark: This is a handout and I have a question, do we have an index of our open areas, and indeed, on the first page, quote, according to the legislation, the Conservation Commission must keep an index of all open areas, publicly or privately owned. We're talking about all open space. I think this is a great handout to remind us of what we are doing here.

Chairman Block: Ed Meehan spent his last months here reviewing all open space in various categories.

Commissioner Krawiec: If open space is the responsibility of the Conservation Commission, can't we see giving some reconsideration.

Chairman Block: The Conservation Commission is charged by the Council as providing advice to the Council, but there is no teeth in it. You just make recommendations.

Commissioner Zelek: Kathleen just pointed out that the statutes say that the Conservation Commissions are to maintain that inventory.

Chairman Block: We do, the town has it.

Commissioner Clark: Well wouldn't it be good if we could all see it? We are clueless that this even existed, or I was, so it would be nice if it was part of our.....

Chairman Block: Do you remember if Ed ever brought those maps before us? There was a discussion about trying to acquire new properties, continuity around town. I think what you are suggesting is quite appropriate if you want to devote the time to it, is to ask Craig to provide us with copies on those issues.

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(Each speaker limited to two minutes.)

None

VIII. COMMUNICATIONS AND REPORTS

A. Agent Approvals – Ind. App. 2013-15AA, Alumni Road, Jade Jeans

Chris Greenlaw: It's what is known as Jade Jeans and they are going to occupy approximately 300,000 square feet of the Fafnir building and on the outside of the building they are going to retrofit some of the paved area, they are going to lower it and put in some loading bays, and those bays and that paved area, they are going to reconfigure drainage, the drainage that goes to the retention pond is considered a wetland, so adjacent to the parking lot is some drainage, it goes to a, they connect into a basin that is in the upland review. It ultimately outlets to that retention basin because they will technically be primarily dealing with pavement, but that structure they are tying into with pipe is upland review and it warranted an application. The maps are on file in the office.

Chairman Block: If anyone wants to take a look at them, they're available in the office.

IX. ADJOURNMENT

Commissioner Sadil moved to adjourn the meeting. The motion was seconded by Commissioner Clark. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Norine Addis,
Temporary Recording Secretary